

# **CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT**

**February 22, 2019**



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## **OPERATIONS BRANCH Status Report and Work Activities**

### **Enforcement Section**

#### **1. CVFPB Enforcement Program**

Staff continues to process encroachment cases by Notices to Comply (NTC) or Notices of Violation (NOV). Status (since last month's report):

- Case being investigated for appropriate action: 26
- NTC/NOV being drafted for management review: 4
- NTC/NOV currently under management review: 3
- NTC/NOV mailed to landowner/responsible party: 1
- Working with landowner/responsible party to resolve encroachment issue (new and continued cases): 38
- Based on enforcement case, permit applications received: 0
- Cease & Desist Order being prepared: 2
- Cease & Desist Order mailed/ Board meeting scheduled: 0
- Notice to Proceed issued: 1
- Enforcement cases closed: 90\*

\*60 of the 90 were administratively closed due to duplication

#### **2. Local Maintaining Agency Coordination**

Staff continues to coordinate with Local Maintaining Agencies (LMA) as more elect to participate in U.S. Army Corps of Engineers (USACE) System-Wide Improvement Framework (SWIF) program to regain eligibility for the federal Public Law (PL) 84-99 Program. A Letter of Intent (LOI) prepared by the LMA precedes the SWIF reports. Because USACE evaluates federal levees by system, it is possible for multiple LMAs to participate in the SWIF program together if their levees are part of the same system.

- **SWIF reports**
  - No new updates this month.
- **LOI reports**
  - No new updates this month.

### **3. PL 84-99 Rehabilitation Assistance Status**

LMAs that are active in the PL 84-99 Program may request repair of flood risk reduction projects that were damaged due to flooding between January and March 2017. Rehabilitation assistance is being provided by USACE only when work is economically justifiable, the damage was sustained during the 2017 flood events, and the estimated cost of repairs is over \$15,000.

- There are 25 scheduled PL84-99 repair sites for 2019:
  - 13 are scheduled for first and second quarter
  - 12 are scheduled for the third and fourth quarter
- CVFPB staff continues to participate in weekly PL 84-99 coordination calls with USACE and the Department of Water Resources (DWR).

### **4. 2017 Storm Damage DWR Rehabilitation**

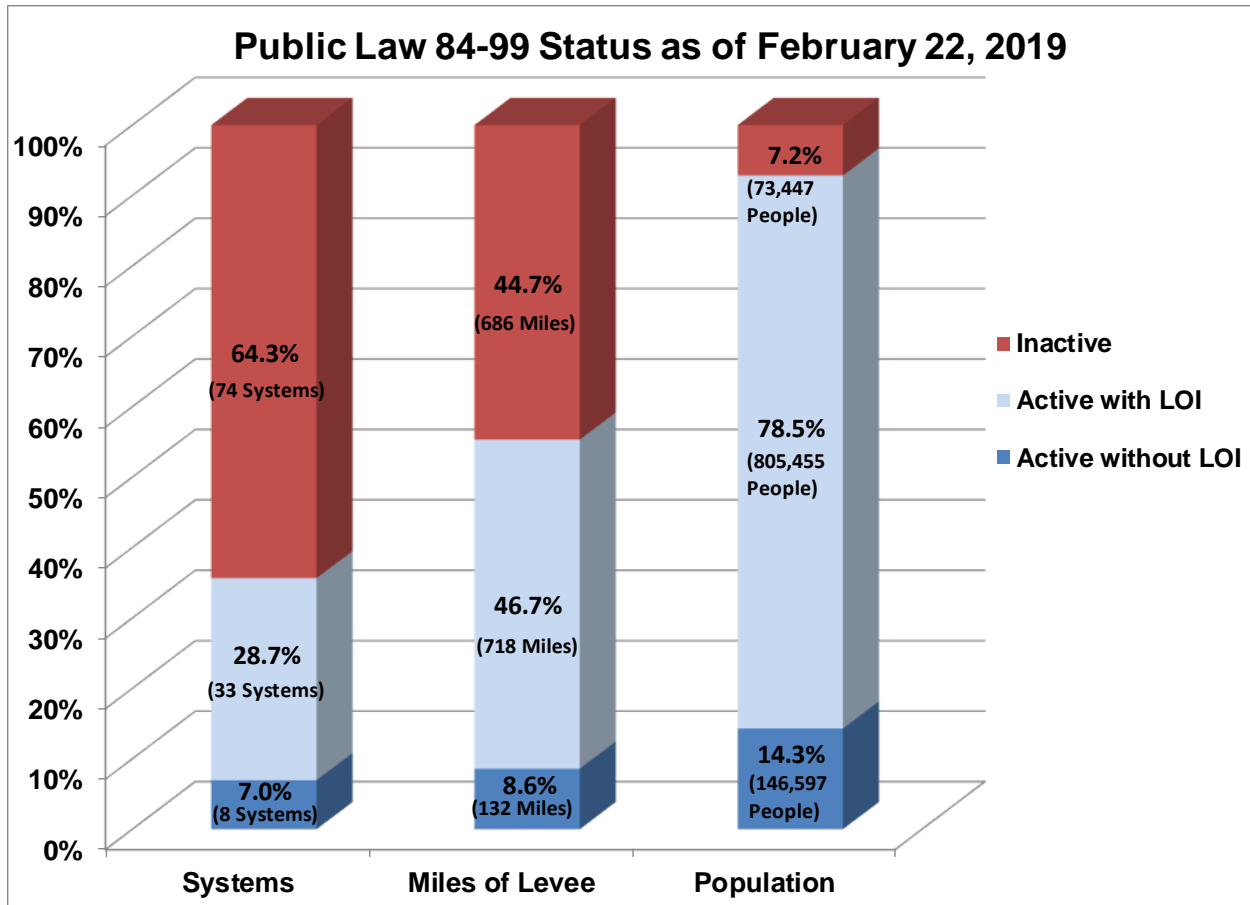
DWR is prioritizing identified damage sites that have not been approved by USACE because the damage site(s) or the levee system does not meet USACE criteria. CVFPB staff is assisting with site inspections and priority review.

- No new updates this month.

### **5. PL 84-99 Levee System Status**

The data and chart below represent the most updated information about PL 84-99 Program eligibility as of February 22, 2019:

- Systems: 64.3% Inactive, 7.0% Active w/ out Letter of Intent (LOI), 28.7% Active w/ LOI
- Levee Miles: 44.7% Inactive, 8.6% Active w/ out LOI, 46.7% Active w/ LOI
- Population: 7.2% Inactive, 14.3% Active w/ out LOI, 78.5% Active w/ LOI



## 6. Staff News

No new updates this month.

## Permitting Section

### 1. Coordination Meetings

CVFPB staff participates in monthly coordination meetings with DWR's Inspection Section and the USACE Flood Protection and Navigation Section (Section 408). The meetings focus on USACE inspections/re-inspections/levee screenings and CVFPB encroachment updates. DWR inspectors bring on-the-ground insight to the discussion. A brief overview of the items related to the Permitting Section are presented below.

- Now that the Categorical Permission process has been approved, USACE staff are working on a programmatic approach to address the requirements for the Section 7 of the Endangered Species Act and Section 106 of the National

Historic Preservation Act. A link to the Categorical Permission For Section 418 Requests document has been placed on the CVFPB website.

- The DWR Deferred Maintenance Project will begin this month on drainage pipes within the Willow Slough Bypass. DWR will have all drainage pipes within State Maintenance Areas inspected by the end of the year. DWR's Flood Maintenance Assistance Program (FMAP) is providing funding to 37 LMA's that have formally agreed to assume responsibility for those drainage pipes within their jurisdiction.
- Reclamation District No. 900 (R.D.900) has requested to assume the maintenance responsibilities of State Maintenance Area 4 (MA-4) in West Sacramento. Board staff is reviewing encroachment permits issued in MA-4 to ensure there are no issues that need to be addressed prior to R.D.900 assuming maintenance responsibilities.
- DWR will be using California Conservation Corps in MA-9 to clear unauthorized vegetation from Project Works.
- Rock has been placed on the levee crown in MA-9 between old abandoned railroad tracks south of Freeport to allow for safer levee patrols.
- DWR's Flood Project Inspection Section has completed inspections and updates to the Levee Logs on more than 400 miles of levee. They are continuing with Levee Log updates for the rest of the flood control system. Levee Logs are used to identify all existing encroachments and to note any levee issues.

## **2. Outreach**

Board staff will be participating in future meetings as Sacramento County Parks Department begins developing a Natural Resources Management Plan (Plan) and an associated Programmatic EIR/EIS for the American River Parkway. The documents will be used for funding requests and securing permits that will be required for implementation of projects identified in the Plan including typical O&M projects as well as restoration projects.

## **3. Staff News**

No new updates this month.

## **4. Permitting Status Overview**

The table below provides a general overview of the number of applications being reviewed by Board staff and where the applications are in the review process. The numbers in the table show the review activity that occurred during the month of January 2019. With the 20 new applications received in January 2019, there are a total of 79 applications currently being reviewed by Board staff.

**Table 1: Encroachment Permit Application Summary**

<b>Application Review Activity Summary</b>	<b>January 2019</b>
Applications Received	20
Scheduled as an EO Delegated Permit	13
Scheduled for Consent Calendar	4
Scheduled as a Hearing	0
Incomplete Letters Sent	5
Applications Withdrawn	0
USACE Application Transmittals Sent	11
USACE 30-Day Incomplete Letters Received	6
USACE Permission Letters Received	8
Permits Conditionally Approved by Board	1
Permits Issued	6

As noted in the table above there were 13 applications scheduled as Executive Officer (EO) delegated permits in January 2019. Information related to EO delegated permits is required to be posted on the Board's website for 30 days prior to decision and permit issuance per CCR, Title 23, Division 1, Section 5. Staff completed the review of 8 EO delegated permits in January 2019 and those projects were posted to the Board's website the first week of February 2019. Additional information about Executive Officer Delegated Permits can be viewed on the CVFPB website@: <http://cvfpb.ca.gov/permitting/delegated-permits/>

## **Inspection Section**

### **1. Staff News**

- This month, staff responded to a request from Reclamation District 2064 to perform emergency repairs on two system feature drainage pipes and one permitted drainage pipe along Paradise Cut. Work is underway, and inspectors and the contractors are monitoring weather forecasts and aim to

have the repairs complete this month.

- Staff researched and presented information on Automatic Board Orders (ABOs) that were a common way to control and track encroachments in the early 1970's. Staff gave informational briefings at the Executive Committee meeting on February 7, 2019 and at the Board Workshop on February 8, 2019. The presentations included a brief history of ABOs, their effects on current projects and provided recommendations for a draft policy to resolve permitting issues stemming from their issuance.

## **2. Coordination**

- On February 4, 2019, staff facilitated discussions in the monthly coordination meeting with USACE Levees and Channels (Section 408) staff, DWR-Flood Maintenance Office, and DWR-Inspections Section. Topics included storm damage repair updates, PL84-99 updates, categorical permissions, and general updates from each organization.
- Inspection staff continues to assist the rest of the operations branch by gathering field information in support of resolving permitting and enforcement issues. All of the field inspection efforts are in support of systems' eligibility in USACE's PL84-99 program.
- Staff is continuing to work with California Data Exchange Center (CDEC) to advance the development of field software to efficiently take field notes and to efficiently upload data to the Board's permit and enforcement databases.

## **3. Permit and Inspection Fee Implementation**

- Staff is awaiting concurrence on the Economic and Fiscal Impact Statement from the Department of Finance (DOF). When approval is received from DOF, staff will submit the final rulemaking package to the Office of Administrative Law for final review and submittal to the Secretary of State to be codified in the California Code of Regulations.
- Fee implementation processes continue to be developed to integrate with the existing permitting processes. Discussions are continuing with DWR to deposit fee payments. Database coordination is also underway to efficiently track payments ahead of permit reviews and inspections.